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March 10, 2023

BY ECF

Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Fraser v. City of New York, et al.*, No. 20-cv-04926 (CM)

Dear Judge McMahon:

We write to inform the Court that the parties have agreed to language explaining to the jury the CPL § 440.10 decision vacating Plaintiff, Jawaun Fraser's, conviction. The language is as follows:

On December 6, 2019, after Jawaun Fraser filed a motion in the state court to overturn his conviction, the court granted the motion on the basis that his constitutional right to disclosure of information favorable to the defense under *Brady v. Maryland* had been violated. Specifically, the court found that the District Attorney's Office had failed to disclose information about lawsuits brought against Det. Regina and that this required the conviction to be overturned. The state court did not decide any of the issues before you in this case.

We defer to the Court whether the Court wishes the parties to enter into evidence a stipulation containing the above language, or if the Court will incorporate the above language into its preliminary and final jury instructions.

In addition, Mr. Fraser has decided not to go forward with his malicious prosecution claim because it is essentially duplicative of his evidence fabrication claim.

Respectfully submitted,

/s/

Joel B. Rudin

cc: Brian Francolla
Caroline McGuire

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